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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,635

11/26/2003

Michael A. Sturba

16137

9717

4859

7590

10/25/2006

MACMILLAN SOBANSKI & TODD, LLC
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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,635

Applicant(s)

STURBA ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 15-17 and 20 is/are rejected.
- 7) ☐ Claim(s) 7 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears as if the limitation of claim 8 have been placed in claim 1 in the amendment filed May 15, 2006.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the pair of side portions extending from the front portion, as recited in claim 15, line 7.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the pair of side portions extending from the front portion as recited in claim 15, line 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the side portions extend from the front portion.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, U. S. Patent 2,515,887 in view Chaney, U. S. Patent 1,563,687 and Patterson, U. S. Patent 4,084,015.

Moore teaches a sheet of stock for forming an item holder comprising: a planar blank portion including a front portion 24 (47, 48), a rear portion 22, 23 attached to said front portion at a first score line 23', a

connector portion 21 attached to said rear portion at a second score line 21', and a holder portion 20 attached to said connector portion 21 at a third score line 20', whereby said front portion and said rear portion can be folded relative to each other along said first score line 23', said rear portion and said connector portion can be folded relative to each other along said second score line 21', and said connector portion and said holder portion can be folded relative to each other along said third score line to form an item holder having a holder pocket for receiving at least one item. Moore also teaches a support portion 53 extending from the rear portion.

In addition, Moore teaches a pair of wings portion 39 and 40 extending from the rear portion 22. The wing portions 39 and 40 being foldable about lines 40 and 42', respectively, to form sidewalls of the holder. Further, Moore teaches a pair of side portions 25' and 26 extending from the holder portions 20'. The side portions being foldable about lines 27 and 28 overlap wing portion, in the assembled condition to form the sidewalls of the holder. See figure 12.

Moore does not teach specifically the blank portion being detachably attached to a carrier portion. In addition, Moore does not teach the pair of supports.

Chaney teaches a sheet of stock for forming an item holder comprising: a planar blank portion made of cardboard material. The planar blank portion including a front portion 1, a rear portion 2 attached to said front portion 1 at a first score line 3, a connector portion 6' attached to said rear portion 2 at a second score line 8, and a holder portion 7 attached to said connector portion 6' at a third score line 9', whereby said front portion 1 and said rear portion 2 can be folded relative to each other along said first score line 3, said rear portion 2 and said connector portion 6' can be folded relative to each other along said second score line 8, and said connector portion 6' and said holder portion 7 can be folded relative to each other along said third score line 9' to form an item holder having a holder pocket (figure 5 and 6) for receiving at least one item. Chaney also teaches a pair of support portions 17, 17' formed in the rear portion 2, wherein each support portion being partially separable from the rear portion 2 at a die cut line 18 and 18'.

Although it is inherent that the blank taught by Moore is cut from a carrier sheet, Patterson is cited to show a cage ornament card comprising a panel 11 with a foldable ornament blank 17 detachably attached to the

panel 11, wherein the panel 11 corresponds to the claimed carrier portion and to ornament corresponds to the claim blank portion.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to removably attached the blank taught by Moore from a carrier sheet as taught by Patterson to provide a means to create the specific shaped blank need for the foldable holder.

In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the support stand taught by Moore comprising a pair of support portions as taught by Chaney to provide a more sturdy support structure.

With respect to claim 2, Moore also teaches the holder made of cardboard or other suitable material. The holder also has a label or name panel 47 having the name of the articles, the selling price, the manufacture's name or the selling price thereon. Column 3, line 24-28

With respect to claim 3, the box taught by Moore is size to hold business cards.

Claims 15-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view Patterson.

Moore teaches a sheet of stock for forming an item holder comprising: a planar blank portion including a front portion 24 (47, 48), a rear portion 22, 23 attached to said front portion at a first score line 23', a connector portion 21 attached to said rear portion at a second score line 21', and a holder portion 20 attached to said connector portion 21 at a third score line 20', whereby said front portion and said rear portion can be folded relative to each other along said first score line 23', said rear portion and said connector portion can be folded relative to each other along said second score line 21', and said connector portion and said holder portion can be folded relative to each other along said third score line to form an item holder having a holder pocket for receiving at least one item. Moore also teaches a support portion 53 extending from the rear portion.

In addition, Moore teaches a pair of wings portion 39 and 40 extending from the rear portion 22. The wing portions 39 and 40 being foldable about lines 40 and 42', respectively, to form sidewalls of the holder. Further, Moore teaches a pair of side portions 25' and 26 extending from the holder portions 20'. The side portions being foldable about lines 27 and 28 overlap wing portion, in the assembled condition to form the sidewalls of the holder. See figure 12.

Moore does not teach specifically the blank portion being detachably attached to a carrier portion.

Although it is inherent that the blank taught by Moore is cut from a carrier sheet, Patterson is cited to show a cage ornament card comprising a panel 11 with a foldable ornament blank 17 detachably attached to the panel 11, wherein the panel 11 corresponds to the claimed carrier portion and to ornament corresponds to the claim blank portion.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to removably attached the blank taught by Moore from a carrier sheet as taught by Patterson to provide a means to create the specific shaped blank need for the foldable holder.

With respect to claim 16, Moore also teaches the holder made of cardboard or other suitable material. The holder also has a label or name panel 47 having the name of the articles, the selling price, the manufacture's name or the selling price thereon. Column 3, line 24-28.

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view Patterson, as applied to claim 15 and in further view of Chaney.

Moore does not teach the pair of supports.

Chaney teaches a sheet of stock for forming an item holder comprising: a planar blank portion made of cardboard material. The planar blank portion including a front portion 1, a rear portion 2 attached to said front portion 1 at a first score line 3, a connector portion 6' attached to said rear portion 2 at a second score line 8, and a holder portion 7 attached to said connector portion 6' at a third score line 9', whereby said front portion 1 and said rear portion 2 can be folded relative to each other along said first score line 3, said rear portion 2 and said connector portion 6' can be folded relative to each other along said second score line 8, and said connector portion 6' and said holder portion 7 can be folded relative to each other along said third score line 9' to form an item holder having a holder pocket (figure 5 and 6) for receiving at least one item. Chaney also teaches a pair of support portions 17, 17' formed in the rear portion 2, wherein each support portion being partially separable from the rear portion 2 at a die cut line 18 and 18'.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the support stand taught by

Moore and Patterson comprising a pair of support portions as taught by Chaney to provide a more sturdy support structure.

Allowable Subject Matter

Claims 7 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Claims 9-11 and 14 are allowed.

Claims 18-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
July 28, 2006